

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

SCOTT T. BALLOCK,

Plaintiff,

v.

// CIVIL ACTION NO. 1:17CV52  
(Judge Keeley)

ELLEN RUTH COSTLOW,  
STATE TROOPER MICHAEL KIEF,  
STATE TROOPER RONNIE M. GASKINS, and  
STATE TROOPER CHRIS BERRY,

Defendants.

SUMMARY ORDER FOLLOWING MOTION HEARING

On August 21, 2018, the Court conducted a hearing in this matter (Dkt. No. 86), during which it addressed the pending Motion to Compel (Dkt. No. 81) and Motion to Require Plaintiff to Release Expunged Records or, in the Alternative, to Prohibit Plaintiff from Presenting Evidence of His Arrest and Prosecution (Dkt. No. 82) filed by defendants Michael Kief, Ronnie M. Gaskins, and Chris Berry (collectively, the "State Police Defendants"), and the Motion to Compel filed by the plaintiff, Scott T. Ballock ("Ballock") (Dkt. No. 85). For the reasons stated on the record during the hearing, the Court:

- **GRANTED in PART** and **DENIED in PART** the State Police Defendants' Motion to Compel (Dkt. No. 81), inasmuch as it:
  - **EXCLUDED** the testimony of witness Amy Fetty ("Fetty"), without prejudice to Ballock's right to move the admission of Fetty's testimony should he obtain her current contact information (Interrogatory Nos. 2 and 4);

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- **DENIED as MOOT** the motion to compel with respect to interrogatories and requests about Ballock's medical and mental health history and treatment (Interrogatory Nos. 2, 4, and 9; Request Nos. 8, 10, and 11);
- **DIRECTED** Ballock to submit all documents related to his discharge from employment to the Court for in camera review by **5:00 P.M. on Friday, August 24, 2018** (Request No. 18);
- **DIRECTED** Ballock to submit all emails between his counsel and Thomas Ballock to the Court for in camera review by **5:00 P.M. on Friday, August 24, 2018** (Request No. 23);
- **DENIED as MOOT** the motion to compel with respect to the request about Ballock's tax returns (Request No. 26); and
- **DIRECTED** Ballock to produce any additional documents responsive to the request about his current employment benefits (Request No. 30);
- **DENIED as MOOT** the State Police Defendants' Motion to Require Plaintiff to Release Expunged Records or, in the Alternative, to Prohibit Plaintiff from Presenting Evidence of His Arrest and Prosecution (Dkt. No. 82); and
- **GRANTED in PART** and **DENIED in PART** Ballock's Motion to Compel (Dkt. No. 85), inasmuch as it **DIRECTED** the State Trooper Defendants to submit the emails identified in Exhibit A (Dkt.

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No. 85-1) to the Court for in camera review by **5:00 P.M.** on **Friday, August 24, 2018.**

It is so **ORDERED.**

The Court directs the Clerk to transmit copies of this Order to counsel of record.

DATED: August 22, 2018.

/s/ Irene M. Keeley  
IRENE M. KEELEY  
UNITED STATES DISTRICT JUDGE